

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KONINKLIJKE PHILIPS N.V.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 20-1708 (CFC) (CJB)
)	
TELIT IOT SOLUTIONS, INC. (f/k/a)	
TELIT WIRELESS SOLUTIONS, INC.);)	
TELIT COMMUNICATIONS LTD (f/k/a)	
TELIT COMMUNICATIONS PLC),)	
)	
Defendants.)	

**TELIT IOT SOLUTIONS, INC.’S *DAUBERT* MOTION TO EXCLUDE
TESTIMONY FROM PHILIPS’ EXPERTS ON LEGAL CONCLUSIONS
THAT ARE INCONSISTENT WITH CONTROLLING PRECEDENT
(*DAUBERT* MOTION NO. 1)**

Defendant Telit IoT Solutions, Inc. (f/k/a Telit Wireless Solutions, Inc.) (“Telit”) moves to exclude Plaintiff Koninklijke Philips N.V. from presenting testimony from its five experts, Jean-Sébastien Borghetti, Johanna Dwyer, Bertram Huber, Antti Toskala, and Dirk Weiler that provides improper legal conclusions and contradicts controlling precedent. The grounds for this motion are set forth in Telit’s Opening Brief, submitted herewith. A proposed form of order is attached.

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/s/ Anthony D. Raucci

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August 23, 2023

RULE 7.1.1 CERTIFICATE

I hereby certify that counsel for the parties discussed the subject of the foregoing motion, including oral communications involving Delaware counsel, and that they have not been able to reach agreement.

/s/ Anthony D. Raucci

Anthony D. Raucci (#5948)

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TELIT COMMUNICATIONS PLC),)	
)	
Defendants.)	

[PROPOSED] ORDER

At Wilmington this ____ day of _____, 2023, having considered Defendant Telit IoT Solutions, Inc.’s Motion to Exclude Testimony from Philips’ Experts on Legal Conclusions that are Inconsistent with Controlling Precedent, the parties’ submissions filed in connection therewith, and the applicable law,

IT IS HEREBY ORDERED that Defendant’s Motion is GRANTED. The opinions inconsistent with controlling precedent are excluded, including those reflected in at least the following paragraphs in Philips’ experts’ reports:

- Borghetti Report, ¶¶27, 37-38, 40, 42, 52, 68, 70, 72-73, 84, 102, 111, 113-114,126,131,180-181,182. (Ex. 3¹).

¹ “Ex. ____” refers to an Exhibit to the Declaration of Kyle Auteri accompanying the *Daubert* motions.

- Dwyer Report, ¶¶9,24,199, 253-254,321,338. (Ex. 2).
- Dwyer Sur-Reply ¶¶4,7,20,28 (Ex. 7).
 - Section II C: “Timely is Not a Single Point in Time,”
 - Section II. F: “ETSI Guidelines for Antitrust Compliance Do No Amend the ETSI IPR Policy”
- Huber Report, ¶¶33–38,56,115,125,153-155,185,187,188,192–195, 197–199, 200,202,231 (Ex. 4).
 - Section V.D.: “Late Disclosure Cannot Reasonably be Considered to be a Waiver...”
- Huber Sur-Reply, ¶3 (“There is **no** requirement that an IPR declaration must be made ‘before the standard is approved...’” (Emphasis in original). (Ex. 8).
- Toskala Report, ¶¶ 91-94. (Ex. 6).
- Toskala Sur-Reply, ¶6. (Ex. 10).
- Weiler Report, ¶¶21,92,96-98,102,107,125-132. (Ex. 5).
- Weiler Sur-Reply ¶ 2 (“The text ‘should declare...’ is a mere recommendation and not a requirement.”) (Ex. 9).

Chief United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on August 23, 2023, upon the following in the manner indicated:

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